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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,779	04/04/2001	Paul M. Reepschlager	3650-010US	4427

28470 7590 10/01/2003
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EXAMINER

NGUYEN, TU T

ART UNIT PAPER NUMBER

2877

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/824,779

Applicant(s)

REEPSCHLAGER, PAUL M.

Examiner

Tu T. Nguyen

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

Detailed Office Action

Specification

The disclosure is objected to because of the following informalities:

In the specification, page 1, line 10, "Ser. No. -----" should be provided.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4,6-10,12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghera et al (2002/0118442).

With respect to claims 1,13, Ghera discloses a method for identifying a fiber type. The method comprises: measuring a spectral power (paragraph [0032]) of a line, identifying the fiber type (paragraph [0032]) by comparing the measured data with values (paragraph [0038]).

Ghera does not disclose an optical span. However, the optical span would have been known. It would have been obvious to modify Ghera's method for identifying the fiber type for an optic span by measuring the power profile near each of the transmit and receive amplifier to control the data transmission more efficiency.

Ghera does not disclose a score. However, it would have been obvious to modify Ghera's method to determine the score before comparing to the look-up table to save the measuring time.

Ghera does not explicitly disclose a given tolerance. However, the skill artisan would have been motivated to modify Ghera's method with a given tolerance to make the system more efficiency.

With respect to claims 2,8, it would have been obvious a design choice to modify Ghera's method with different interpretations of the measured data for measuring different systems.

With respect to claims 3,9,15, Ghera discloses calculating the ratio of the measured data (paragraph [0032]). However, Ghera does not disclose calculating the spectral loss profile by subtracting the spectral profile of the transmit amplifier from the spectral profile of the receive amplifier. It would have been obvious to modify Ghera's method to manipulate the measured data with different calculating method for different purposes. Since the general condition of the invention were disclosed by the prior art, modifying the method with different calculating method involves only routine skill in the art.

With respect to claims 4,10, Ghera discloses entering known identification data for each of a plurality of fiber types in a look up table (paragraph [0038]).

With respect to claims 6,12, it would have been obvious to modify Ghera's method for mapping the fiber types for each span within a fiber link in the network to control the transmitting data in the communication network more accurate.

With respect to claims 7,16-18, refer to discussion in claim 1 above for identifying the fiber type. Further, Ghera discloses measuring the signal when the Raman pump is on/off conditions.

With respect to claim 14, the claimed display means would have been known. It would have been obvious to modify Ghera's system with a known display means to display the measured data for better view.

Allowable Subject Matter

Claims 5,11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior arts of record does not disclose the step of calculating a known identification score as claimed in claims 5,11.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu T Nguyen whose telephone number is (703) 306-9185. The examiner can normally be reached on M-T 7:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank G Font can be reached on (703) 308-4881. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Tu T. Nguyen
Primary Examiner
Group Art Unit 2877

9/21/03